

The House Committee on Public Safety & Homeland Security offers the following substitute to HB 738:

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions pertaining to law enforcement officers and agencies, so as to prohibit quotas or policies demanding arrests or the issuance of citations for the purpose of raising revenue; to prohibit withholding or threatening to withhold funding from law enforcement agencies under certain circumstances; to provide for investigation and enforcement by the Attorney General; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 1 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions pertaining to law enforcement officers and agencies, is amended by adding a new Code section to read as follows:

"35-1-16.

(a) As used in this Code section, the term:

(1) 'Influence or demand' means any type of regulation, rule, policy, or practice carried out by a local governing authority which requires a level of performance whether required orally, in writing, or implied by actions and without regard to whether such policy or practice is officially adopted.

(2) 'Law enforcement unit' shall have the same meaning as provided in Code Section 35-8-2, relating to definitions for employment and training of peace officers.

(3) 'Local governing authority' means any political subdivision of this state, including any county, consolidated government, municipality, commission, board, council, or any other local public body corporate, governmental unit, or political subdivision of this state.

(b) No local governing authority, law enforcement unit, or peace officer shall by influence or demand require that peace officers employed by a law enforcement unit meet quotas for

arrests or the issuance of citations or otherwise increase or maintain the number of arrests or citations for the purpose of providing or increasing revenue.

(c) No local governing authority shall withhold or decrease or threaten, suggest, or imply that such local governing authority will withhold or decrease any funding, revenues, or the operation budget for a law enforcement unit that fails to meet quotas for arrests or the issuance of citations or otherwise fails to increase or maintain the number of arrests or citations for the purpose of maintaining or increasing revenue.

(d) Any local governing authority or local law enforcement unit that fails to abide by any requirement of this Code section shall have any and all state funding or state administered federal funding withheld by the funding state agency, as directed by the Governor.

(e) The Attorney General shall be authorized to investigate suspected, alleged, and reported violations of this Code section. If the Attorney General finds that a person has violated or is violating this Code section, then the Attorney General may bring a civil action against such person under this Code section for injunctive and equitable relief, and such other relief as may be available by law. For purposes of enforcing the provisions of this Code section, jurisdiction shall be in the superior court of the county wherein the violation has occurred; provided, however, that no judge presiding over such action shall be paid in whole or part by any entity who is a party against whom such action is taken. The Attorney General shall be entitled to all costs and reasonable attorney's fees incurred as a result of investigating a violation of this Code section if the violation is substantiated and for enforcing the provisions of this Code section in any civil proceeding wherein a violation is substantiated or injunctive relief is granted."

## **SECTION 2.**

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

## **SECTION 3.**

All laws and parts of laws in conflict with this Act are repealed.